

CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1141

Citations Affected: IC 9-13-2-1.7; IC 9-21-8-55; IC 33-30-2-1; IC 33-33; IC 35-42-2-2.

Synopsis: Courts and aggressive driving. Defines "aggressive driving". Makes aggressive driving a Class A misdemeanor if it is done knowingly or intentionally. Makes criminal recklessness: (1) a Class D felony instead of a Class B misdemeanor if the offense is done by a person who committed aggressive driving and caused serious bodily injury to another person; and (2) a Class C felony instead of a Class B misdemeanor if the offense is done by a person who committed aggressive driving and caused the death of another person. Makes criminal recklessness a Class C felony instead of a Class B misdemeanor if it is committed by shooting a firearm into an inhabited dwelling or other building or place where people are likely to gather. Creates one new superior court in Dearborn County, DeKalb County, Hamilton County, Howard County, and Montgomery County, and creates two new superior courts in Hendricks County. Adds an eighth judge to the Monroe circuit court on January 1, 2006, and a ninth judge to the Monroe circuit court on January 1, 2008. Adds a fifth judge to Vigo superior court on January 1, 2006. Provides that the new superior courts in Dearborn County, DeKalb County, and Montgomery County are created on January 1, 2006, the new superior court in Howard County is created on January 6, 2006, and the new courts in Hendricks County and Hamilton County are created on January 1, 2007. Allows the existing superior courts in Hendricks County to appoint a magistrate to serve until January 1, 2007. Allows the Madison superior courts to appoint a magistrate. Allows the Perry circuit court to appoint a magistrate. Abolishes the DeKalb County small claims referee. Abolishes the Montgomery County court. Makes the superior courts in Howard County standard superior courts. **(This conference committee report adds provisions: (1) concerning aggressive driving and criminal recklessness; and (2) that allow the Madison superior courts to appoint a magistrate and the Perry circuit court to appoint a magistrate, and add a fifth judge to the Vigo superior court.)**

Effective: July 1, 2005; January 1, 2006.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1141 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning courts
- 3 and criminal law.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 9-13-2-1.7 IS ADDED TO THE INDIANA CODE
- 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2005]: **Sec. 1.7. "Aggressive driving", for purposes of**
- 8 **IC 9-21-8-55, has the meaning set forth in IC 9-21-8-55(a).**
- 9 SECTION 2. IC 9-21-8-55 IS ADDED TO THE INDIANA CODE
- 10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
- 11 JULY 1, 2005]: **Sec. 55. (a) For purposes of this section, a person**
- 12 **engages in aggressive driving if, during one (1) episode of**
- 13 **continuous driving of a vehicle, the person does at least three (3) of**
- 14 **the following:**
- 15 (1) **Following a vehicle too closely in violation of IC 9-21-8-14.**
- 16 (2) **Unsafe operation of a vehicle in violation of IC 9-21-8-24.**
- 17 (3) **Overtaking another vehicle on the right by driving off the**
- 18 **roadway in violation of IC 9-21-8-6.**
- 19 (4) **Unsafe stopping or slowing a vehicle in violation of**
- 20 **IC 9-21-8-26.**
- 21 (5) **Unnecessary sounding of the horn in violation of**
- 22 **IC 9-19-5-2.**
- 23 (6) **Failure to yield in violation of IC 9-21-8-29 through**

1 **IC 9-21-8-34.**

2 **(7) Failure to obey a traffic control device in violation of**
 3 **IC 9-21-8-41.**

4 **(8) Driving at an unsafe speed in violation of IC 9-21-5.**

5 **(9) Repeatedly flashing the vehicle's headlights.**

6 **(b) A person who knowingly or intentionally engages in**
 7 **aggressive driving commits aggressive driving, a Class A**
 8 **misdemeanor.**

9 SECTION 3. IC 33-30-2-1, AS AMENDED BY HEA 1398-2005,
 10 SECTION 93, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JANUARY 1, 2006]: Sec. 1. (a) A county court is
 12 established in the following counties:

13 (1) Floyd County.

14 (2) Madison County.

15 ~~(3) Montgomery County.~~

16 (b) However, a county court listed in subsection (a) is abolished if:

17 (1) IC 33-33 provides a small claims docket of the circuit court;

18 (2) IC 33-33 provides a small claims docket of the superior court;

19 or

20 (3) IC 33-34 provides a small claims court;

21 for the county in which the county court was established.

22 SECTION 4. IC 33-33-15-2 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) There ~~is~~ **are**
 24 established ~~a court~~ **two (2) courts** of record to be known as the:

25 **(1) Dearborn superior court No. 1; and**

26 **(2) Dearborn superior court No. 2.**

27 (b) ~~The~~ **Each** Dearborn superior court is a standard superior court as
 28 described in IC 33-29-1.

29 (c) Dearborn County comprises the judicial district of ~~the each~~
 30 superior court.

31 SECTION 5. IC 33-33-15-3 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. ~~The~~ **Each** Dearborn
 33 superior court has one (1) judge who shall hold sessions in:

34 **(1) the Dearborn County courthouse in Lawrenceburg; or ~~in~~**

35 **(2) other places in the county as the Dearborn County executive**
 36 **may provide.**

37 SECTION 6. IC 33-33-15-4 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. In addition to a
 39 bailiff and an official court reporter for the court appointed under
 40 IC 33-29-1-5, ~~the each~~ judge may appoint a referee, a commissioner,
 41 or other personnel as the judge considers necessary to facilitate and
 42 transact the business of the court. The salary of a referee, a
 43 commissioner, or other person:

44 (1) shall be fixed in the same manner as the salaries of the
 45 personnel for the Dearborn circuit court; and

46 (2) shall be paid monthly out of the treasury of Dearborn County
 47 as provided by law.

48 Personnel appointed under this section or IC 33-29-1-5 continue in
 49 office until removed by the judge of the court **for which the personnel**
 50 **were appointed.**

51 SECTION 7. IC 33-33-15-5 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Except as
 2 provided in subsection (b), ~~the each~~ Dearborn superior court has the
 3 same jurisdiction as the Dearborn circuit court.

4 (b) The Dearborn circuit court has exclusive juvenile jurisdiction.

5 SECTION 8. IC 33-33-15-6 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. ~~The Each~~ Dearborn
 7 superior court has a standard small claims and misdemeanor division.

8 SECTION 9. IC 33-33-17-2 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) There ~~is are~~
 10 established ~~a court~~ **two (2) courts** of record to be known as the DeKalb
 11 superior court **No. 1 and the DeKalb superior court No. 2.**

12 (b) ~~The Each~~ DeKalb superior court is a standard superior court as
 13 described in IC 33-29-1.

14 (c) DeKalb County comprises the judicial district of ~~the each~~ superior
 15 court.

16 SECTION 10. IC 33-33-17-3 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. ~~The Each~~ DeKalb
 18 superior court has one (1) judge who shall hold sessions in:

19 (1) the DeKalb County courthouse in Auburn; or

20 (2) other places in the county as the board of county commissioners
 21 of DeKalb County may provide.

22 SECTION 11. IC 33-33-17-4 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) If:

24 **(1) the clerk of the circuit court of DeKalb County receives** the
 25 transcript of the original papers in a civil action or proceeding
 26 **received by the clerk of the circuit and superior courts of DeKalb**
 27 **County on a change of venue from another county; contains and**
 28 **(2) the papers described in subdivision (1) contain** an order of
 29 the court from which venue was changed designating the circuit
 30 court or **one (1) of the superior court courts** as the court to which
 31 the case is to be transferred;

32 the clerk shall file the action or proceeding on the docket of the
 33 designated court.

34 (b) If:

35 **(1) the clerk of the circuit court of DeKalb County receives** the
 36 transcript of the original papers in a civil action or proceeding ~~does~~
 37 **on a change of venue from another county; and**

38 **(2) the papers described in subdivision (1) do** not contain an
 39 order designating the court to which the case is to be transferred;
 40 the clerk shall alternately file each action or proceeding on the docket
 41 of the circuit court ~~and or~~ the docket of **one (1) of the superior court,**
 42 **courts,** depending on the order and sequence in which the papers of the
 43 cases reach the clerk, so that if the first case is assigned to the circuit
 44 court, the next must be assigned to the superior court **No. 1, and the**
 45 **next must be assigned to the superior court No. 2.**

46 SECTION 12. IC 33-33-17-6 IS AMENDED TO READ AS
 47 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. ~~The Each~~ DeKalb
 48 superior court has the same jurisdiction as the DeKalb circuit court.

49 SECTION 13. IC 33-33-17-7 IS AMENDED TO READ AS
 50 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. ~~The Each~~ DeKalb
 51 superior court has a standard small claims and misdemeanor division.

SECTION 14. IC 33-33-29-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) There are established ~~five (5)~~ **six (6)** superior courts of record to be known as the:

- (1) Hamilton superior court No. 1; ~~the~~
- (2) Hamilton superior court No. 2; ~~the~~
- (3) Hamilton superior court No. 3; ~~the~~
- (4) Hamilton superior court No. 4; ~~and the~~
- (5) Hamilton superior court No. 5; ~~and~~
- (6) Hamilton superior court No. 6.**

(b) Except as otherwise provided in this chapter, each Hamilton superior court is a standard superior court as described in IC 33-29-1.

(c) Hamilton County constitutes the judicial district of each court.

SECTION 15. IC 33-33-29-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. The:

- (1) Hamilton superior court No. 4; ~~and the~~
- (2) Hamilton superior court No. 5; ~~and~~
- (3) Hamilton superior court No. 6;**

each have a standard small claims and misdemeanor division.

SECTION 16. IC 33-33-32-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) There are established ~~three (3)~~ **five (5)** superior courts of record to be known as:

- (1) Hendricks superior court No. 1;
- (2) Hendricks superior court No. 2; ~~and~~
- (3) Hendricks superior court No. 3;
- (4) Hendricks superior court No. 4; and**
- (5) Hendricks superior court No. 5.**

(b) Except as otherwise provided in this chapter, each Hendricks superior court is a standard superior court as described in IC 33-29-1.

(c) Hendricks County comprises the judicial district of each court.

SECTION 17. IC 33-33-32-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Change of venue from the judge or from the county may be had under the same terms, conditions, and procedure applicable to changes of venue from the judge or the county in circuit courts.

(b) If a cause is received by the clerk of the Hendricks circuit court on change of venue from another county, the cause shall be docketed on a rotating basis and assigned alternately to the:

- (1) Hendricks circuit court;
- (2) Hendricks superior court No. 1;
- (3) Hendricks superior court No. 2; ~~and~~
- (4) Hendricks superior court No. 3;
- (5) Hendricks superior court No. 4; and**
- (6) Hendricks superior court No. 5;**

unless otherwise provided in the order or entry made in ~~such the~~ cause in the county from which ~~such the~~ change of venue was taken, in which case it shall be docketed as provided in the entry or order.

SECTION 18. IC 33-33-34-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) There ~~is~~ **are** established ~~a court~~ **four (4) superior courts** of record to be known as the Howard superior court ~~The court consists of two (2) judges each of whom holds office for six (6) years and until the judge's successor is~~

1 elected and qualified: **No. 1, the Howard superior court No. 2, the**
 2 **Howard superior court No. 3, and the Howard superior court No.**
 3 **4.**

4 **(b) Except as otherwise provided in this chapter, each Howard**
 5 **superior court is a standard superior court, as described in**
 6 **IC 33-29-1.**

7 **(c) Howard county comprises the judicial circuit of each court.**

8 SECTION 19. IC 33-33-34-6 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. ~~(a) The Each~~
 10 Howard superior court **has one (1) judge, who** shall hold its sessions
 11 in:

12 (1) the Howard County courthouse in Kokomo; or

13 (2) another convenient and suitable place as the board of county
 14 commissioners of Howard County provides.

15 ~~(b) The board of county commissioners shall provide and maintain a~~
 16 ~~suitable and convenient courtroom for the holding of the court, with a~~
 17 ~~suitable and convenient jury room and offices for the judge and the~~
 18 ~~official court reporter, and the county council shall meet and~~
 19 ~~appropriate all necessary funds.~~

20 SECTION 20. IC 33-33-34-7 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. The judges of the
 22 superior court

23 ~~(1)~~ may make and adopt rules and regulations for conducting the
 24 business of the court.

25 ~~(2)~~ has all the powers in relation to the attendance of witnesses; the
 26 punishment of contempts; and the enforcement of its orders; and

27 ~~(3)~~ may administer oaths, solemnize marriages, take and certify
 28 acknowledgement of deeds, and give all necessary certificates for
 29 the authentication of the records and proceedings in the court.

30 SECTION 21. IC 33-33-34-19 IS ADDED TO THE INDIANA
 31 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2005]: **Sec. 19. The Howard superior court**
 33 **No. 3 has a standard small claims and misdemeanor division.**

34 SECTION 22. IC 33-33-48-7.5 IS ADDED TO THE INDIANA
 35 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2005]: **Sec. 7.5. (a) The judges of the**
 37 **Madison superior court may jointly appoint one (1) full-time**
 38 **magistrate under IC 33-23-5 to serve the superior court.**

39 **(b) The magistrate continues in office until removed by the**
 40 **judges of the superior court.**

41 SECTION 23. IC 33-33-53-1 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Monroe County
 43 constitutes the tenth judicial circuit.

44 (b) There are ~~seven (7)~~ **nine (9)** judges of the Monroe circuit court.

45 SECTION 24. IC 33-33-54-2 IS AMENDED TO READ AS
 46 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) There ~~is~~ **are**
 47 established ~~a court~~ **two (2) courts** of record to be known as the:

48 **(1) Montgomery superior court No. 1; and**

49 **(2) Montgomery superior court No. 2.**

50 (b) ~~The Each~~ Montgomery superior court is a standard superior court
 51 as described in IC 33-29-1.

(c) Montgomery County comprises the judicial district of ~~the~~ **each** court.

SECTION 25. IC 33-33-54-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. ~~The~~ **Each** court has one (1) judge who shall hold sessions in:

- (1) the Montgomery County courthouse in Crawfordsville; or
- (2) other places in the county as the Montgomery County executive may provide.

SECTION 26. IC 33-33-54-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. ~~The~~ **Each** Montgomery superior court has the same jurisdiction as the Montgomery circuit court.

SECTION 27. IC 33-33-54-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 6. Beginning January 1, 2006, each Montgomery superior court has a standard small claims and misdemeanor division.**

SECTION 28. IC 33-33-62-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Perry County constitutes the seventieth judicial circuit.

(b) The Perry circuit court has a standard small claims and misdemeanor division.

(c) The judge of the Perry circuit court may appoint one (1) full-time magistrate under IC 33-23-5. The magistrate continues in office until removed by the judge.

SECTION 29. IC 33-33-84-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. There is established a court of record to be known as the Vigo superior court. The superior court has ~~four (4)~~ **five (5)** judges who shall hold their office for six (6) years and until their successors have been elected and qualified.

SECTION 30. IC 35-42-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) As used in this section, "hazing" means forcing or requiring another person:

- (1) with or without the consent of the other person; and
- (2) as a condition of association with a group or organization; to perform an act that creates a substantial risk of bodily injury.

(b) A person who recklessly, knowingly, or intentionally performs:

- (1) an act that creates a substantial risk of bodily injury to another person; or
- (2) hazing;

commits criminal recklessness. Except as provided in subsection (c), criminal recklessness is a Class B misdemeanor.

(c) The offense of criminal recklessness as defined in subsection (b) is:

- (1) a Class A misdemeanor if the conduct includes the use of a vehicle;
- (2) a Class D felony if:

(A) it is committed while armed with a deadly weapon; or

(B) the person committed aggressive driving (as defined in IC 9-21-8-55) and caused serious bodily injury to another person; or

(3) a Class C felony if:

(A) it is committed by shooting a firearm ~~from a vehicle~~ into an inhabited dwelling or other building or place where people are likely to gather; **or**

(B) the person committed aggressive driving (as defined in IC 9-21-8-55) and caused the death of another person.

(d) A person who recklessly, knowingly, or intentionally:

(1) inflicts serious bodily injury on another person; or

(2) performs hazing that results in serious bodily injury to a person; commits criminal recklessness, a Class D felony. However, the offense is a Class C felony if committed by means of a deadly weapon.

(e) A person, other than a person who has committed an offense under this section or a delinquent act that would be an offense under this section if the violator was an adult, who:

(1) makes a report of hazing in good faith;

(2) participates in good faith in a judicial proceeding resulting from a report of hazing;

(3) employs a reporting or participating person described in subdivision (1) or (2); or

(4) supervises a reporting or participating person described in subdivision (1) or (2);

is not liable for civil damages or criminal penalties that might otherwise be imposed because of the report or participation.

(f) A person described in subsection (e)(1) or (e)(2) is presumed to act in good faith.

(g) A person described in subsection (e)(1) or (e)(2) may not be treated as acting in bad faith solely because the person did not have probable cause to believe that a person committed:

(1) an offense under this section; or

(2) a delinquent act that would be an offense under this section if the offender was an adult.

SECTION 31. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2005]: IC 33-33-17-5; IC 33-33-34-1; IC 33-33-34-4; IC 33-33-34-5; IC 33-33-34-8; IC 33-33-34-9; IC 33-33-34-10; IC 33-33-34-11; IC 33-33-34-15; IC 33-33-34-16; IC 33-33-34-17; IC 33-33-34.3.

SECTION 32. IC 33-33-54-5 IS REPEALED [EFFECTIVE JANUARY 1, 2006].

SECTION 33. [EFFECTIVE JULY 1, 2005] **(a) Notwithstanding the amendment of IC 33-33-15 by this act, the Dearborn superior court No. 2 is not established until January 1, 2006.**

(b) The governor shall appoint a person under IC 3-13-6-1(c) to serve as the initial judge of the Dearborn superior court No. 2 established by IC 33-33-15-2, as amended by this act, before January 1, 2006.

(c) The term of the initial judge appointed under subsection (b) begins January 1, 2006, and ends December 31, 2006.

(d) The initial election of the judge of the Dearborn superior court No. 2 is the general election on November 7, 2006. The term of the initially elected judge begins January 1, 2007.

(e) This SECTION expires January 2, 2007.

1 SECTION 34. [EFFECTIVE JULY 1, 2005] (a) Notwithstanding
2 the amendment of IC 33-33-17 by this act, the DeKalb superior
3 court No. 2 is not established until January 1, 2006.

4 (b) The governor shall appoint a person under IC 3-13-6-1(c) to
5 serve as the initial judge of the DeKalb superior court No. 2 added
6 by IC 33-33-17-2, as amended by this act.

7 (c) The term of the initial judge appointed under subsection (b)
8 begins January 1, 2006, and ends December 31, 2006.

9 (d) The initial election of the judge of the DeKalb superior court
10 No. 2 is the general election on November 7, 2006. The term of the
11 initially elected judge begins January 1, 2007.

12 (e) Notwithstanding the repeal of IC 33-33-17-5 by this act, the
13 part-time small claims referee appointed under IC 33-33-17-5 shall
14 continue to assist the DeKalb superior court in the exercise of its
15 small claims jurisdiction until December 31, 2005.

16 (f) This SECTION expires January 2, 2008.

17 SECTION 35. [EFFECTIVE JULY 1, 2005] (a) Notwithstanding
18 IC 33-33-29-2, as amended by this act, the Hamilton superior court
19 No. 6 is not established until January 1, 2007.

20 (b) Notwithstanding IC 33-33-29-8, as amended by this act, the
21 Hamilton superior court No. 6 does not have a standard small
22 claims and misdemeanor division until January 1, 2007.

23 (c) The initial election of the judge of the Hamilton superior court
24 No. 6 established in IC 33-33-29-2, as amended by this act, is the
25 general election on November 7, 2006. The term of the initially
26 elected judge begins January 1, 2007.

27 (d) This SECTION expires January 2, 2007.

28 SECTION 36. [EFFECTIVE JULY 1, 2005] (a) Notwithstanding
29 IC 33-33-32-2 and IC 33-33-32-5, both as amended by this act, the:

30 (1) Hendricks superior court No. 4; and

31 (2) Hendricks superior court No. 5;

32 as added by this act, are not established until January 1, 2007.

33 (b) The initial election of the judges of the:

34 (1) Hendricks superior court No. 4; and

35 (2) Hendricks superior court No. 5;

36 added by IC 33-33-32-2, as amended by this act, is the general
37 election on November 7, 2006. The terms of the two (2) judges
38 initially elected under this subsection begin January 1, 2007.

39 (c) This SECTION expires January 2, 2007.

40 SECTION 37. [EFFECTIVE JULY 1, 2005] (a) The judges of the:

41 (1) Hendricks superior court No. 1;

42 (2) Hendricks superior court No. 2;

43 (3) Hendricks superior court No. 3; and

44 (4) Hendricks circuit court;

45 may jointly appoint one (1) full-time magistrate under IC 33-23-5
46 to serve the courts.

47 (b) A magistrate appointed under this SECTION continues in
48 office until:

49 (1) removed by the judges of the courts; or

50 (2) January 1, 2007;

51 whichever occurs first.

(c) This SECTION expires January 2, 2007.

SECTION 38. [EFFECTIVE JULY 1, 2005] (a) Notwithstanding IC 33-33-34-3, as amended by this act, the Howard superior court is not expanded to four (4) courts until January 6, 2006.

(b) The governor shall appoint a person under IC 3-13-6-1(c) to serve as the initial judge of the Howard superior court No. 4 established by IC 33-33-34-3, as amended by this act.

(c) The term of the initial judge appointed under subsection (b) begins January 6, 2006, and ends December 31, 2006.

(d) The initial election of the judge of the Howard superior court No. 4, established by IC 33-33-34-3, as amended by this act, is the general election on November 7, 2006. The term of the initially elected judge begins January 1, 2007.

(e) The terms of the judges of Howard superior court No. 1, Howard superior court No. 2, and Howard superior court No. 3 are not affected by the amendment of IC 33-33-34-3 or IC 33-33-34-6 by this act, or by the repeal of IC 33-33-34-4 or 33-33-34.3 by this act.

(f) This SECTION expires January 2, 2007.

SECTION 39. [EFFECTIVE JULY 1, 2005] (a) Notwithstanding IC 33-33-53-1, as amended by this act, the Monroe circuit court is not expanded to:

(1) eight (8) judges until January 1, 2006, as described in subsection (b); and

(2) nine (9) judges until January 1, 2008, as described in subsection (c).

(b) The governor shall appoint a person under IC 3-13-6-1(c) to serve as the eighth judge of the Monroe circuit court added by IC 33-33-53-1, as amended by this act. The term of the initial judge appointed under this subsection begins January 1, 2006, and ends December 31, 2006. The initial election of the eighth judge of the Monroe circuit court added by IC 33-33-53-1, as amended by this act, is the general election on November 7, 2006. The term of the judge initially elected under this subsection begins January 1, 2007.

(c) The governor shall appoint a person under IC 3-13-6-1(c) to serve as the ninth judge of the Monroe circuit court added by IC 33-33-53-1, as amended by this act. The term of the initial judge appointed under this subsection begins January 1, 2008, and ends December 31, 2008. The initial election of the ninth judge of the Monroe circuit court added by IC 33-33-53-1, as amended by this act, is the general election on November 4, 2008. The term of the judge initially elected under this subsection begins January 1, 2009.

(d) This SECTION expires January 2, 2009.

SECTION 40. [EFFECTIVE JULY 1, 2005] (a) Notwithstanding the amendment of IC 33-33-54 by this act, the Montgomery superior court No. 2 is not established until January 1, 2006.

(b) As of January 1, 2006, the Montgomery county court is abolished.

(c) Any case pending in the Montgomery county court after the close of business on December 31, 2005, is transferred on January 1, 2006, to the Montgomery superior court No. 2 established by

1 IC 33-33-54-2, as amended by this act. All cases transferred under
 2 this SECTION that are eligible to be heard by the standard small
 3 claims and misdemeanor division, established by IC 33-33-54-6, as
 4 added by this act, shall be transferred to the standard small claims
 5 and misdemeanor division of the Montgomery superior court No.
 6 2 in accordance with the venue requirements prescribed in Rule 75
 7 of the Indiana Rules of Trial Procedure. A case transferred under
 8 this SECTION shall be treated as if the case were filed in the
 9 Montgomery superior court No. 2.

10 (d) On January 1, 2006, all property and obligations of the
 11 Montgomery county court become the property and obligations of
 12 the Montgomery superior court No. 2.

13 (e) The initial judge of the Montgomery superior court No. 2
 14 established by IC 33-33-54-2, as amended by this act, shall be the
 15 person who is the Montgomery county court judge on December
 16 31, 2005. The term of the initial judge of the Montgomery superior
 17 court No. 2 begins January 1, 2006, and ends December 31, 2008.
 18 The initial election of a judge for the Montgomery superior court
 19 No. 2, established by IC 33-33-54-2, as amended by this act, is the
 20 general election on November 4, 2008. The term of the initial
 21 elected judge of the Montgomery superior court No. 2 begins
 22 January 1, 2009.

23 (f) This SECTION expires January 2, 2009.

24 SECTION 41. [EFFECTIVE JULY 1, 2005] (a) Notwithstanding
 25 IC 33-33-84-3, as amended by this act, the Vigo superior court is
 26 not expanded to five (5) judges until January 1, 2006.

27 (b) The governor shall appoint a person under IC 3-13-6-1(c) to
 28 serve as the initial judge added to the Vigo superior court by
 29 IC 33-33-84-3, as amended by this act.

30 (c) The term of the initial judge appointed under subsection (b)
 31 begins January 1, 2006, and ends December 31, 2006.

32 (d) The initial election of the judge of the Vigo superior court
 33 added by IC 33-33-84-3, as amended by this act, is the general
 34 election in November 2006. The term of the initially elected judge
 35 begins January 1, 2007.

36 (e) This SECTION expires January 2, 2007.

37 SECTION 42. [EFFECTIVE JULY 1, 2005] IC 9-21-8-55, as added
 38 by this act, and IC 35-42-2-2, as amended by this act, apply only to
 39 offenses committed after June 30, 2005.

(Reference is to EHB 1141 as reprinted April 5, 2005.)

Conference Committee Report
on
Engrossed House Bill 1141

Signed by:

Representative Brown T
Chairperson

Senator Harrison

Representative Kuzman

Senator Lewis

House Conferees

Senate Conferees